

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ROBERT T. BAKER,)	
)	
Plaintiff,)	Case No. 20-cv-50310
)	
v.)	Stephenson County Case No. 20-L-26
)	
STEPHENSON COUNTY,)	JURY TRIAL DEMANDED
)	
Defendant.)	

NOTICE OF REMOVAL OF PLAINTIFF'S COMPLAINT

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS:

NOW COMES Defendant, STEPHENSON COUNTY ("Defendant"), by its attorneys, O'Halloran Kosoff Geitner & Cook, and pursuant to 28 U.S.C. §1331, §1441 and §1446, for its Notice of Removal, states as follows:

1. On July 21, 2020, Plaintiff, Robert T. Baker, filed a five-count Complaint against Stephenson County in the Fifteenth Judicial Circuit of Stephenson County, Illinois, wherein Plaintiff asserted a claim under the Fair Labor Standard Act, 29 U.S.C §201, as well as claims under the Illinois Wage Payment and Collection Act ("IWPCA") and the Illinois Minimum Wage Law ("IMWL") and a state law claim of trespass to chattel. *Ex. A.*

2. On July 23, 2020, Defendant Stephenson County was served with Plaintiff's Complaint and Summons. Accordingly, this removal is timely filed within 30 days of receipt of Plaintiff's complaint.

3. The above-described action is a civil action in which this Court has original jurisdiction under the provisions of 28 U.S.C § 1331 and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C §1441 in that Plaintiff filed suit

against Defendant for, *inter alia*, an alleged violation of the Fair Labor Standard Act, 29 U.S.C. §201 *et seq.* (“FLSA”). *See* (Complaint, Count II). Plaintiff’s claim under the FLSA is a federal claim which arises under the laws of the United States. Therefore, this Court has federal question jurisdiction over this matter.

4. Plaintiff’s Complaint against Defendant also includes state law claims for which this Court should assume pendent jurisdiction pursuant to 28 U.S.C. § 1441(c) and/or 28 U.S.C. § 1367. Here, all of Plaintiff’s claims arise from the same nucleus of facts and circumstances. The gravamen of Plaintiff’s lawsuit is that Defendant allegedly failed to pay Plaintiff certain wages he claims he is owed. Defendant’s alleged failure to do so forms the basis of Plaintiff’s FLSA, IWPCA, IMWL and trespass to chattel claims. *Ex. A.* Thus, the Court should exercise supplemental jurisdiction in this case of Plaintiff’s state law claims which are intertwined with his FLSA claim.

5. As required by 28 U.S.C § 1446(d), notice of removal will be served upon all parties of record and will be filed with the Circuit Court of the Fifteenth Judicial Circuit of Stephenson County, Illinois.

6. Defendant agrees and consents to removal of this action from the Circuit Court of the Fifteenth Judicial Circuit of Stephenson County, Illinois to the United States District Court for the Northern District of Illinois, Western Division.

7. The United States District Court for the Northern District of Illinois, Western Division, is the District Court for the district encompassing Stephenson County, Illinois. 28 U.S.C § 93(a)(2).

8. Pursuant to the requirements of 28 U.S.C § 1446(a), the pleadings filed in the Stephenson County action have been filed herewith.

WHEREFORE, Defendant, STEPHENSON COUNTY, hereby gives notice of removal of this action to the United States District Court for the Northern District of Illinois.

Respectfully submitted,

STEPHENSON COUNTY

By: s/Daniel T. Corbett
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Plaintiff,) Case No. 20-cv-50310
v.) Stephenson County Case No. 20-L-26
STEPHENSON COUNTY,) **JURY TRIAL DEMANDED**
Defendant.)

CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2020, I electronically filed the foregoing ***Notice of Removal of Plaintiff's Complaint*** with the Clerk of Court using the CM/ECF system, and I will send notification of such filing to the following non-registered participant:

Jeffrey H. Powell
Reno & Zahm, LLP
2902 McFarland Road, Suite 400
Rockford, IL 61107
jhp@renozahm.com

via Email and U.S. Mail by depositing same in a sealed envelope, proper postage prepaid and affixed thereon and placing same in the U.S. Mail receptacle located at 650 Dundee Road, Northbrook, IL, at or before the hour of 5:00 p.m. on August 21, 2020.

By: s/Daniel T. Corbett
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